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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,913	07/14/2003	Edward Faeldt	9000/2022	7967

29933 7590 11/28/2005
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EXAMINER

MILLER, MARINA I

ART UNIT	PAPER NUMBER
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1631

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER

11172005

DATE MAILED:

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Commissioner for Patents

The reply filed on 10/21/2005 is not fully responsive to the prior Office Action mailed 9/19/2005 because of the following omission(s) or matter(s): claims 1-36 are directed to patentably distinct species (see below). In the restriction/election requirement mailed 9/19/2005, the examiner requested to election of a single invention and ONE species from EACH of species A-C for prosecution on merits to which claims should be restricted. Specifically, the examiner requested for Species A to elect ONE trait from among those recited in claims 5, 7, 8, 11, 13, 14, 16, 18, 19, 25, and 27-28; for Species B, to elect ONE measuring data from among those recited in claims 6, 12, 17, and 25; and for Species C, to elect one reference population among those recited in claims 35-36. In the response filed 10/21/2005, applicants elected claims 1-8, 21-22, and 29-34 drawn to a method for screening for the effect of a test agent.

Applicants also elected:

Species A, claims 5, 11, 16, and 25 - total distance traveled over a defined period of time;

Species A, claims 7, 13, 18, and 27 - movement of one insect toward or away from another insect;

Species A, claims 8, 1, 19, and 28 - the morphological trait being shape of the eye;

Species B, claims 6, 12, 17, and 26 - speed;

Species C, claim 35 - flies not contacted with a test agent;

Species C, claim 36 - flies comprising a mutation not contacted with a test agent.

Applicants properly elected on species (speed) from species of group B. The election of Species A and C does not satisfy the restriction requirement set forth in the Office Action mailed 9/19/2005. Species A comprises different traits (e.g., total distance traveled over a definite period of time, the rate of change of velocity per time unit, occurrence of two insects within a definite distance from each other, morphological trait, etc.) which are recited in claims 5, 7, 8, 11, 13, 14, 16, 18, 19, 25, and 27-28. Applicants elected three traits from species of group A (see above). However, applicants were required to elect ONE trait from among those recited in all claims 5, 7, 8, 11, 13, 14, 16, 18, 19, 25, and 27-28, and not one trait from each claim or a group of claims. If applicants elect the morphological trait recited in claims 8, 14, 19, and 28, then applicants are not required to further elect a specific morphological trait (e.g., shade of the eye). However, applicants certainly may elect a specific morphological trait from among those disclosed in the specification. Species B comprises different reference populations recited in claims 35-36. Applicants elected one reference population from each of claim 35 and 36 (i.e., applicants elected two species from group B). However, the examiner requested to elect one population from those recited in both claims 35 and 36, and not one population from each of the claim. No single species from EACH of the species A and C was elected, therefore the reply filed 10/21/2005 is not fully responsive to the Election/Restriction requirement. See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a). Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Miller whose telephone number is (571)272-6101. The examiner can normally be reached on M-F 8-5. If attempts to reach the examiner by telephone are

unsuccessful, the examiner's supervisor, Ardin Marschel, Ph. D. can be reached on (571)272-0718. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marjorie A. Moran
11/17/05

MARJORIE A. MORAN
PRIMARY EXAMINER